

THESE MINUTES ARE PRESENTED IN DRAFT FORM AND HAS NOT
BEEN FORMALLY APPROVED BY THE ENFIELD PLANNING AND
ZONING COMMISSION. OFFICIAL COPIES OF MINUTES, WHEN
APPROVED, CAN BE OBTAINED FROM THE TOWN CLERK OR
PLANNING OFFICE.

**ENFIELD PLANNING AND ZONING COMMISSION
SPECIAL MEETING**

MINUTES OF MEETING

THURSDAY, JULY 31, 2014 - 7:00 P.M.

ENFIELD TOWN HALL - COUNCIL CHAMBERS

820 ENFIELD STREET - ENFIELD, CT

AGENDA

THE MEETING WILL ADJOURN AT 11:00 P.M.

SPECIAL MEETING 7:00 P.M.

1. **Call to Order and Pledge of Allegiance** [00:00]

Chairman Duren called the meeting to order and the Pledge of Allegiance was recited.

2. **Fire Evacuation Announcement** [00:35]

Chairman Duren read the Fire Evacuation Notice.

3. **Roll Call** [00:55]

Vice Chairman Elizabeth Ballard took the roll.

Present: Chairman Charles Duren and Commissioners Elizabeth Ballard, Lori Longhi, Charles Ladd, Jr., Ronald Gregory, Sr., and Alan Drinan

Also Present: Assistant Town Planner, Rachel Blatt

Absent: Commissioners Peter Falk, Kathleen Sarno, Nicles Lefakis, and Dominic Alaimo

Chairman Duren stated that Commissioners Gregory and Drinan would be sitting in for the absent Commissioners.

4. Approval of Minutes [01:25]

a. July 17, 2014 regular meeting

[01:28] Commissioner Drinan made a motion, seconded by Commissioner Ballard, to approve the Minutes of July 17, 2014 regular meeting with amendments by Commissioner Ladd and Chairman Duren.

Amendments were as follows:

- Page 8 – ‘putting a dumpster in one of the garages...’ to be amended as ‘by one of the garages’
- Page 17 – ‘Revit’ to be amended as ‘Revite’

[02:55] The motion carried with a 6-0-0 vote.

5. Staff Reports [03:10]

a. Assistant Town Planner

Ms. Blatt informed the Commission that in case of urgent matters, if she was not reachable by phone, to send her an email asking to call back and she would get back to them as soon as possible and to call Barb (Secretary) as well and leave a message. Ms. Blatt also read out a notice to be distributed to the Commission regarding a symposium being held by the Commission on Aging on ‘Enfield as a Livable Community’.

6. Public Participation [04:13]

Chairman Duren opened the floor for public participation and asked if anyone from the audience wanted to come forward to address the Commission.

7. Correspondence [04:50]

- Planning magazine

8. Commissioner’s Correspondence [05:10]

Commissioner Longhi informed the public about a scam that was happening in the neighborhood due to the amount of construction going on. She had been approached by someone in a construction outfit with fake business cards and a pickup truck and everything, asking if she wanted her entranceway paved. She realized this was a scam and warned the public to be cautious of anyone asking for cash for extra blacktop.

9. Bond Releases [06:35] - none

10. Public Hearings Continued from July 17, 2014 [06:38]

- a. PH #2793 – Special Permit to construct a Housing for the Elderly Development with 92 units at 1696 King Street in a Residential-33 (R-33) District and the Enfield Street/King Street Design Overlay District, Map 14 – Lot 28; Calamar Enterprises, Inc., applicant; Kurt Carpenter, owner.

*Closing Date = July 24, 2014. *Extension granted until July 31, 2014.*

Vice Chairman Elizabeth Ballard took the roll.

Chairman Duren stated for the record that, by referral, the entire record of the South Road application is being incorporated into the present application. The records are PH # 2693 and PH # 2693.02. Ms. Blatt stated that all the related material was available at the present meeting.

Attorney Carl Landolina, Fahey & Landolina, and Greg Tomsic, Architect, Silvestri Architects, Amherst, New York, approached the Commission. Mr. Landolina also pointed out that the rest of the team was present - Christopher Juliano, Juliano & Associates, and Christopher Trevisani, Calamar Enterprises, Inc.

Mr. Landolina first focused on the issues that were brought up by Commissioner Longhi in the previous meeting. He also referred to the letter from Mr. Juliano to Rachel Blatt dated July 20, 2014 (Exhibit 66). Regarding the DOT Encroachment Permit, there have been discussions with DOT and the submission letters have been made available to the Commission. He stated that DOT will not act on the application until a decision from the local authority has been made. Regarding the accident report, it has been submitted and they have found that there have been 2 accidents, not 1 as previously stated. Regarding the Water Pollution Control Authority, the original requirement of a 40-foot wide easement had been approved by Wetlands and they would continue with 40 feet. The calculation of slopes has been added to the plans as a note on Sheet 2 of 18. Regarding run-off to Mr. Dealba's property, Mr. Juliano had written in detail about that in his letter to Ms. Blatt. Mr. Landolina stated that the Town Engineer had informed them that he had no further concerns and that all of his concerns had been addressed and this was written in a memo dated July 18th. Chairman Duren stated that the date of the revised plans also should have been included in the memo from the Town Engineer. Ms. Blatt stated that she would bring it to the Town Engineer's attention. Mr. Landolina then went on to state that they have provided landscape buffer for 1700 King Street. The proposed community garden has been relocated further away from the property line and a double row of pine trees have been added there. Regarding the sidewalk through dirt piles, he stated that all the disturbed areas would be re-vegetated with grass or however noted on the plan. Mr. Landolina stated that a legend has been provided on each sheet of the plan. He stated that the scale of the floor plans have been changed so as to comply with the regulations. Details of the dumpster enclosure have also been added to Sheet 10 of the plans. He also added that in case the chain-link fence was not adequate, they were willing to accommodate the Commission's recommendation. Regarding the trees of 12 inches in diameter, Mr. Landolina stated that it was common practice to depict a heavily wooded area on the plan and that has been followed in this application. Mr. Landolina stated that the purpose of the gravel is to wash the wheels of vehicles as they enter/exit the site. Hence, with a binder course, this washing effect would not take place and would put more material in the road. He further stated that it was the job of the construction company to ensure that the road was kept free of debris. The entrance length has been increased from 50 feet to 125 feet to ensure that the wheels would get an adequate washing of the mud and such that would accumulate on the tires. A landscaped walking trail has been added to the plan. The site elevations have also been added to the plan. Regarding the roofs, the applicant has to meet certain door sizes in order to accommodate handicap vans and so the minimum size would be about 10 feet to accommodate those. To put a peaked roof on top of a 10-foot doorway would

violate the Zoning Regulations stipulating the height of accessory buildings. Hence, it was not possible to put a peaked roof. Chairman Duren stated that the plans had been modified with a peaked roof. Mr. Landolina then apologized for the oversight. Regarding the orientation of the building, he stated that the regulations stipulated that it was in accordance with the orientation of the adjacent buildings. The zone boundary was also specified in the legend on the plan. As far as the concerns raised by the public, Mr. Landolina stated that the sanitary sewer easement had been added on the plan. He stated that they would not be constructing any berms. Regarding run-off, they had already dealt with it. Regarding the location of the dumpster, Mr. Landolina stated that when the A.R.T was held, they had had only one dumpster, which was located farthest away from Mr. Deabla's property. They had then been asked by Staff to add an additional dumpster and that was the reason for the second dumpster in the most logical location.

Mr. Tomsic then discussed the building orientation. He stated that after looking at the topography, grading, drainage, etc. and more importantly, considering the residential nature, they had decided upon the orientation and geometry in order to sort of conceal the parking from the streetscape to give it a more residential character. It also creates somewhat of a courtyard, which is a welcome built-in security feature for the residents. It also screens majority of the car park with the carport and the garage behind the property. Mr. Tomsic then explained the architectural features of the building like the stimulated stone that acts as a water table all around the building and the mechanical rooms and patios that look onto spaces and the shutters to give it a traditional effect. Regarding the unit sizes, Mr. Tomsic stated that they have done numerous similar projects and they have found that smaller unit sizes (1-2 bedrooms) were the preference in such projects as these residents were looking to downsize and didn't appreciate more space to take care of. The opportunities of the building provide more of a community aspect rather than individual apartments to enable more interaction among the residents with the community space, the fitness room, the lounge, and outdoor patio. Chairman Duren commented that there was one laundry room for 94 residents. Mr. Tomsic stated that each apartment had its own washer and dryer as well. Chairman Duren stated that they had not got the chance to get into each apartment yet. Commissioner Drinan stated that they had not been able to discern what was in the apartments because of the really small scale. Chairman Duren stated that there was no key to it either so he could not distinguish the various markings on the plan. Commissioner Drinan stated that there were 12 different floor plans with a letter/number but Page 2 indicated only 10 areas and so he could not make sense of it. Chairman Duren also pointed out that there were only 50 storage bins on the plan. Mr. Tomsic clarified that there were also 2 bins outside each garage bringing it to a total of 94. Chairman Duren stated that there were no notes on the plans. Mr. Tomsic stated that it was labeled as 'storage' on the plans. Mr. Tomsic then explained that the apartments had a full kitchen with a stove/oven, refrigerator, microwave, and a dishwasher all provided. There were kitchen cabinets and bathroom cabinets. There were units set up strictly for the handicapped and the others could be adaptable. There was a washer/dryer combination in each apartment for the smaller clothes. For bigger items like bedspreads, they could use the larger laundry room. Commissioner Drinan asked about the total square feet of the building. Mr. Tomsic stated that it was 98,760 square feet. Commissioner Drinan explained that the unit sizes were smaller than the required minimum stipulated by the regulations. Mr. Landolina referred to the discussion in the previous meeting that the Commission had the authority to approve a reduction in the unit sizes if it was beneficial for the

neighborhood and the residents. He went on to explain that the community space was an additional facility provided for the residents and that would have cut into the additional unit sizes that could have been provided. However, studies have shown that community spaces improved the function and wellbeing of elderly residents and that it was a necessity for their health and wellbeing. He stated that the community space was provided to promote the health and safety of the residents. He explained that a bigger unit size would also require an increase in the rent. He explained that there were 2 full-time people (a concierge and a maintenance man) which were also additional benefits on the property. Chairman Drinan pointed out that while they commended the extra facilities that the applicant offered, it was also possible to comply with the minimum requirements and still offer additional facilities.

Mr. Landolina then went on to discuss the basement issue. He referred to the 1st question of whether the South Road project and this project were comparable and explained that, although that was in a Mixed Use District, the building was strictly for residential purposes as was this project and the basement was not a necessity for residential purposes. As to the question of whether the Commission was bound by that project, Mr. Landolina referred to Attorney Deneen's memo, Page 2, paragraph 2, stating that the Commission is obliged to interpret its regulations consistently. It states that a solitary instance does not establish a pattern of consistency. Mr. Landolina stated that the South Road project had come before the Commission twice, the first time 90-odd units were approved slab-on-grade and the second time was a year or so later for an additional 60 or 70 units, also slab-on-grade. Commissioner Drinan stated that in the second instance, there was never any mention of a basement or slab-on-grade and it was an inadvertent error. Chairman Duren stated that they were all lay people and relied heavily on the professionals. Mr. Landolina stated that, at the end of the day, the project was meant to be beneficial for the residents and Town of Enfield and they hoped to be able to move forward. He stated that the only reason for a basement would be for storage. Commissioner Drinan explained that there could be multiple reasons but the main purpose was for the structural integrity of the building.

Commissioner Longhi stated that she was not a lay person and was well aware of the terminology, being in the construction industry for more than 30 years, and that was the reason it had come to her attention. She commended Mr. Landolina on his presentation and appreciated that he had addressed most of the concerns raised. Commissioner Longhi pointed out to Ms. Blatt that an accident report for Pleasant Street was yet to be submitted. There were just a couple of remaining issues and she was okay to put them as conditions. The grade, being handicapped-accessible, and the 80A compliance on the walking trails needed to be specified. The fence for the community garden had no gate or open area. She was also curious to know the color of the dumpster enclosures. On sheet 4 of the landscape plan, the plant schedule showed a 24-inch spread as well as a 30-inch spread, which was conflicting. Also, the hours of operation during construction needed to be specified so as to ensure that there is no disturbance to the neighbors with lights or sound after hours. The grass areas, which are not listed as Conservation, were required to be mowed. Finally, all submitted plans were required to be signed and/or sealed. Chairman Duren asked about the pavers. Mr. Landolina replied that they had been changed to plastic, per the Commission's recommendation. Ms. Blatt stated that confirmation from the Fire Marshall had just been received today. Commissioner Ladd referred to Attorney Deneen's

memo, Page 3, last paragraph, stating that, according to the court decision in 2013, P&Z's ability to waive requirements were eliminated and that the Zoning Board of Appeals had the exclusive authority to waive the cellar requirement. Mr. Landolina stated that they were not seeking a waiver as the Connecticut Supreme Court states that there are rules to interpret how statutes are applied. The rule is that the regulations need to be read as a whole and that no single condition or sentence be taken as a stand-alone requirement. He stated that when read as a whole, there was no requirement for a cellar/basement.

Mr. Landolina stated that they have been trying to get the traffic report for 12 weeks with no success. He stated that the grade on the walking trail is 5% slope and 80A compliant. For the fence around the community garden, it was not decided yet whether to put a gate or make it an open area but it surely would not be closed. The color of the dumpster enclosures would be green. The landscape plan would be corrected. The plans would be signed and submitted. Mr. Landolina stated that the hours of operation could certainly be specified and that he was certainly aware of the Blight ordinances and would address that issue as well.

Chairman Duren opened Public Hearing #2793 to the public and asked if anyone from the audience wanted to come forward to speak for or against this application.

Mary Ann Turner, 7 Meadow Road, approached the Commission. Ms. Turner stated that she felt that the project was not suitable for the intended clientele of ages 62 and older. The first reason would be the parking, which is 500 feet from the main entrance, which would cause extreme hardship for the elderly. Ms. Turner stated that the walking trails were approximately a 7% grade, which would be difficult with wheelchairs, walkers, slow-moving elders. She stated that there was parking at the entrance of the project but that it wasn't clear if the residents would have access from the parking lot without having to walk around to the main entrance. She had noticed Pam Brown's letter stating that an additional bus route to this area was unlikely to be considered. She referred to Section 10.10.2, the parking standards in the regulations, on Page 95 of 124, revised 2-24-14, states that one shuttle vehicle be maintained on the lot. She pointed out that this has never been mentioned anywhere. Ms. Turner stated that she had approached Sergeant Squires, Traffic Division, and in discussion, she had specifically asked which set of revised plans he had reviewed and he had answered that it was an early version. Ms. Turner stated that it was important that they stamp the plans with 'Superseded By...' in order to ensure proper review and approval. She further stated that he had appreciated that a few more handicapped spots had been added to the plan. However, she checked the plans and found that there were actually less handicapped spots in the latest version of the plans. Ms. Turner stated she had asked for the accident reports from East Windsor, by 140, all the way to at least Depot Hill Road but she was yet to receive the reports. Ms. Turner stated that she had been to the recent ZBA meeting and the same discussion had taken place there about ZBA having the sole authority to approve waivers (variances) and she requested the Commission to please keep that in mind. Referring to the geotechnical report, Page 4 of 40, Executive Summary states that *"Close monitoring of the construction operations discussed herein will be critical in achieving the design sub-grade support. We therefore recommend that Terracon be maintained to monitor this portion of the work."* Ms. Turner stated that that needed to be one of the conditions included if approved. Ms. Turner stated that that report was

from April 9, 2014 and questioned whether, with the multiple revisions and plans henceforth, the report was still valid. Ms. Turner discussed some best practices to be incorporated by the Town such as having a standard format for the reports from various departments to show the specifics of any and all revisions done. This report should then be tagged to the revised plans. Ms. Turner referred to an email from Mr. Juliano to Virginia Higley asking about administrative approval. Ms. Turner stated that circumventing the Land Use Board or any department by administrative approval would be an issue and in such case, the report of any such action would need to be submitted and tagged to the plan. Chairman Duren stated that the procedure required Ms. Higley to come before the Commission and request for administrative approval and the Commission then decided whether to grant it or not. Referring to the volume report, Ms. Turner stated that the first one showed that 18.79 acres of dirt would be removed and that was corrected by moving only 5.76 acres. Ms. Turner stated that the project was not suitable for the town or its residents and asked the Commission to deny the project.

Loretta Brunelle, 10 Marshall Drive, approached the Commission in favor of the application. Ms. Brunelle stated that she and her husband had already put their home up for sale and had reserved a place in St. Francis, the Felician Sisters' area, and were #36 on the line. They would like to move into a home soon due to health issues. They tried to put their name into another place but the wait there was 3-4 years. Ms. Brunelle stated that her brother-in-law also wanted to move into a home and recently went to St. Francis and was #60. Hence, there was a great demand and a long wait time for such homes. Ms. Brunelle stated that her 93-year-old sister lives in a home in Rhode Island on the 7th floor with a similar structure and she was very comfortable living there. The parking and the distance were not an issue at all. The elders needed a home and she requested the Commission to please consider approving the project.

Dolores Ascioti, Massachusetts, approached the Commission in favor of the project. Ms. Ascioti had received a post card of the project and was looking forward to residing there. She stated that the wait time in Massachusetts for such homes were 3-4 years to 7-8 years. She stated that the large open spaces were appropriate for wheelchairs and that carrying groceries could easily be done with a shopping cart. She hoped that they would approve the project so that she could reside there in a year's time.

Leonard Pauze, 15 Avon Street, approached the Commission in favor of the project. Mr. Pauze stated that this project was essential, as there was no affordable housing for the elderly in Enfield. He stated that people who have been living here all their life did not want to leave town for affordable housing.

Betty Ainsworth, 1693 King Street, approached the Commission against the application. Ms. Ainsworth explained the bumper-to-bumper traffic that was becoming regular on King Street, which was very unsafe for the elderly.

Maureen Mullen, 1625 King Street, approached the Commission. Ms. Mullen stated that the Public Safety Academy is now extending their school day to 4:45 to ease the traffic. Ms. Mullen questioned whether the orientation of the building would set precedence for future buildings. She also asked whether the 3 floors would also be setting precedence for future buildings in the area. She stated that regarding cleaning the roads, she believed that that was written into the agreement that they would

have to clean the roads at all times and certainly by the end of the workday. Ms. Mullen also wondered whether they could work with other departments to identify other locations for senior housing as there was increasing demand.

Karen LaPlante, 166 North Maple Street, approached the Commission. Ms. LaPlante stated that she had noticed some large trees – red mulberry, sugar maples – in areas which would not be disturbed by construction and requested to preserve those trees rather than cutting them down and re-planting them. Ms. LaPlante stated that she felt this was not the area for such a project and it would be better to have it in the center of town where there was an existing bus route.

Mr. Landolina and Mr. Juliano approached the Commission to address the concerns raised. He stated that the parking was according to regulations; he was uncertain of the bus route but certainly, there was transport available in the area (Dial-A-Ride); and the intended residents supported the fact that they were still mobile and the parking was not an issue. Mr. Landolina stated that he was in agreement with Ms. Turner about the best practices as it was favorable for everyone and would make it easy for all concerned for acquiring information easily and quickly. Mr. Juliano confirmed that they would be saving any tree that they could save. He stated that the volume report was simply a grid size. He stated that they actually had more handicapped spaces than the Connecticut Building Code and the Zoning Regulations required. He stated that there is 40 feet between contour lines, which comes to 5% grade, which is 80A compliant. Chairman Duren stated that they could put in a condition to check the grading and Mr. Juliano agreed. Mr. Landolina reiterated that there was a waiver in the interpretation of the regulations that would permit the Commission to approve the application in its present form without basements.

Chairman Duren then asked if anyone from the audience had any further comments or concerns. There were none.

Ms. Blatt then read out the dates of the public hearing. It had opened on 6/19 and the scheduled requirement for it to be closed had been 7/24 and the applicant had granted an extension till today, 7/31, and the maximum extensions that they can grant is to 9/27. If the public hearing closed today, then the decision has to be made by 10/4 (65 days). The Wetlands will next meet 9/2 and the ZBA will next meet 9/29. Chairman Duren asked if there was any reason to keep the public hearing open. Ms. Blatt stated that she felt it could be closed. Mr. Landolina stated that he felt they had given as much information as they could provide and it could be closed.

Chairman Duren closed Public Hearing #2793.

Commissioner Longhi asked Ms. Blatt for the conditions. Ms. Blatt stated that her memo included referenced plans for Exhibit 70, which was the most recent set of plans. Commissioner Longhi read out the additional conditions that she had noted, which were: Plants of the proper size of 30 inches be listed on the table. All non-New England Conservation grass is to be regularly mowed and maintained. The sidewalk ramps, community garden, and walking trails be ADA compliant per Regulation 3.00.1. King Street shall be kept clean daily during construction. Management companies shall report annually to ZEO for compliance with the standards of the tenants' ages. Age restriction shall be part of

every rental contract. The plans all needed to be signed and sealed. The geotechnical engineer was to be retained to monitor the sub-grade support system during construction. Chairman Duren asked Ms. Blatt if the Town Attorney had accepted the restrictions that stated that this project could never be turned into apartments. Ms. Blatt stated that he had reviewed the draft and he was okay with it. Ms. Blatt stated that the condition needed to be added before CO, that it must be filed with the Town Clerk. Commissioner Longhi stated another condition to be that all the large trees that could be saved should be saved. A designated space for the shuttle service was to be provided.

[2:13:44] Commissioner Longhi made a motion, seconded by Commissioner Drinan, to amend the list of conditions in a memo from Rachel Blatt dated July 31, 2014 for a total of 36 conditions for Public Hearing #2793.

The final list was as follows:

Conditions to be met prior to signing of plans:

1. All plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
2. The application number (PH #2793) shall be displayed on the plans in or near the Title Block area.
3. A copy of the approval letter and conditions shall be made part of the final plans submitted for signature, preferably located on the cover sheet or first sheet of the plan set.
4. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.
5. A list outlining *all* changes to the plans shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.
6. The Town Engineer shall confirm grades of the walking trail.
7. The conditions of this approval shall be binding on the applicant, land owners, and their successors and assigns.
8. The following shall be added to the plans: gross floor area calculation shall be added to the zoning table, plant sizes of 30" shall be added to the table on the landscaping plan.
9. Dedicated drop off/pick up location for shuttle service shall be shown on the plans.

Conditions to be met prior to the issuance of permits:

10. This approval will become effective upon the filing of a Special Use Zoning Certificate signed by the Commission Secretary on the Land Records by the owner of the property. Proof of such filing shall be in the file prior to the issuance of any permits.
11. Four sets of paper plans and one set of mylar plans, with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission. The signed mylars shall be recorded by the applicants and/or owners in the Land Records.
12. The applicant shall also submit final plans as approved by the Commission in a digital format compatible with the Enfield Geographic Information Systems Electronic Submittals Ordinance.

13. The applicant shall post a bond for Site Improvements in an amount to be determined by the Town Engineer and with surety acceptable to the Town Attorney.
14. The applicant shall post a separate bond for Erosion and Sediment Control pledged to the Town, in an amount to be determined by the Town Engineer in cash or check format.
15. The applicant shall post a landscaping bond to the Town, in an amount and format determined by the Planning Department.
16. All ramps, walking paths, and the community garden shall be ADA compliant.
17. If needed, a pre-construction meeting shall be held between the applicant, site contractors, project engineer and Town staff.
18. Any required certificates and/or approvals from State or Federal agencies (i.e. CT-DOT, DEEP, Army Corps of Engineers) shall be obtained by the applicant and reported to the Planning and Zoning Commission file. Any changes to the plans required by such entities may require a plan modification from the Enfield Planning and Zoning Commission.

Conditions which must be met prior to the Issuance of a Certificate of Compliance:

19. Complete as-built plans certified to Class A-2 accuracy shall be submitted prior to the issuance of any certificates of zoning compliance. The as-built plan shall also contain a certification by a Professional Engineer that they have inspected the site improvements and that they have been installed in accordance with the approved plans. Any deviations or omissions must be noted.
20. No Certificate of Occupancy or other final approval may be issued until the Zoning Enforcement Officer has signed off on the final work. When minor site work cannot be completed because of weather or other pertinent reason, a conditional approval may be issued for a period not to exceed 180 days, providing satisfactory surety shall be posted with the Town of Enfield in an amount sufficient to complete the site work and with surety acceptable to the Town Attorney and Finance Department.
21. A request for final project review from the Planning Department must be made at least 10 days before a Certificate of Occupancy or other final approval is requested from the Building Official.
22. Geotechnical engineer to be retained to monitor the subgrade support system during construction.
23. Deed including age restriction shall be on file with the Town Clerk.

General Conditions:

24. This approval is for the specific use and structure identified in the application. Any change in the nature of the use or the structure will require new approvals from the Enfield Planning and Zoning Commission.
25. This project shall be constructed and maintained in accordance with the referenced plans.
26. This approval does not include signage.

27. A building permit for the construction of facilities as approved must be obtained by June 19, 2015 or this approval shall be rendered null and void, unless an extension is granted by the Commission.
28. All construction authorized by this approval shall be completed by June 19, 2019 or this approval shall be considered null and void, unless an extension is granted by the Enfield Planning and Zoning Commission.
29. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
30. As many large trees as possible shall be retained on site.
31. Age restrictions shall be part of every rental contract.
32. All non-New England conservation grasses shall be regularly mowed and maintained.
33. King Street shall be cleaned daily during construction.
34. Developer shall report annually to the ZEO regarding tenant ages.
35. Refuse pick up shall take place between 8:00 am – 5:00 pm.
36. Construction lighting may not extend beyond the property line.

[2:14:25] The motion passed unanimously with a 6-0-0 vote.

[2:15:03] Commissioner Longhi made a motion, seconded by Commissioner Drinan, to approve PH #2793 – Special Permit to construct a Housing for the Elderly Development with 92 units at 1696 King Street in a Residential-33 (R-33) District and the Enfield Street/King Street Design Overlay District, Map 14 – Lot 28; Calamar Enterprises, Inc., applicant; Kurt Carpenter, owner.

Commissioner Ladd stated that he would like to hold off on his vote to understand the memo from the Town Attorney. Commissioner Drinan stated that he would be voting against this application for the following reasons: The application was not in compliance with several of the Zoning Regulation requirements. Section 4.10.2 on Page 24 requires that all buildings used for residential purposes shall have a full cellar of at least 7 feet in height. Section 4.40.3.a on Page 29 requires minimum floor areas for Housing for the Elderly for 1-bedroom and 2-bedroom units of 800 and 1000 square feet respectively. Section 4.70.3.a on Pages 39 and 40, sub-paragraph 'i', requires that projects be in harmony with the purpose of the Zoning Regulations. Sub-paragraph 'ii' requires that projects be in harmony with the goals of the Enfield Plan of Conservation and Development. Sub-paragraph 'iv' requires that the character of the neighborhood is maintained and enhanced. Sub-paragraph 'v' requires that open spaces of the size, design, and quality to be of recreational value to the neighborhood and residents of the project. Section 8.60.d on Page 78 requires that within the area, the King Street Design Overlay, the desirable architectural features would include such things as

gabled roofs. These were the requirements that the application did not meet and for these reasons, Commissioner Drinan would be voting against the application. Commissioner Longhi stated that the three main reasons for her were basements, unit sizes, and orientation did not comply with the regulations. Commissioner Longhi stated that the A.R.T Minutes from 11/20 and 2/19 specifically states that Ms. Blatt had informed the applicants to read Section 4.40.3 and even at the next meeting, Ms. Blatt had stated that the minimum size was 800 and 1000 square feet. Hence, Commissioner Longhi felt that the applicants were fully aware of the regulations pertaining to minimum size way before submitting the application. She also felt that, as Commissioner Drinan had mentioned, the scale in the massing of the buildings were not compatible with the neighborhood, particularly in relation to the abutting single-family residences. Commissioner Ballard stated that she thought it was a great plan and she appreciated that they had addressed the issues and made many changes in the plans. However, she felt that the project was not in the right location as the topography of the land was not suitable for seniors. Another issue was the parking, as Commissioner Ballard felt that she herself would not be able to walk such distances. Commissioner Ballard felt that if the same project was in a different suitable location, it would have been great. Commissioner Gregory had no comments. Chairman Duren stated that it took a long while to get such a good plan. However, for all of the reasons that have already been stated, he would have to vote against it. He stated that it would have had good opportunity if the requirements had been met.

Ms. Blatt stated that at the time of the A.R.T., there had already been a discussion regarding the interpretation of the regulation and she wanted to state for the record that the applicant had not violated the requirement as the regulations stated that the Commission had the discretion to reduce the minimum size and the Commission chose not to act on that discretion.

[2:27:44] The motion was denied with a 0-6-0 vote.

[2:28:55] Commissioner Ballard made a motion, seconded by Commissioner Drinan, to go for a 5-minute recess. There was unanimous agreement.

[2:36:35] The meeting resumed after the recess.

- b. XZA #14-02 – Text Change Amendment to the Zoning Regulations to establish a new zoning district, "Thompsonville Village Residential," and to establish standards for lots and uses in that district; Enfield Planning and Zoning Commission, applicants.
Closing Date = none – PZC Initiative.

Vice Chairman Elizabeth Ballard took the roll.

Rachel Blatt, Assistant Town Planner, and Peter Bryanton, Community Development Director, approached the Commission to explain the Town Attorney's recommendations. Four definitions were added, of Living Area, Multi-family Residence, Tandem Parking, and Two-family Residence. Commissioner Longhi stated that she was not satisfied with the definition of Living Area. She had looked at the definitions of other nearby towns and she was satisfied with the definition by East Windsor, with a minor edit. Commissioner Longhi passed out a sheet with the definition she was referring to. It read as follows, *"The portion of the building area actually utilized for living, sleeping,*

cooking, or eating, and excluding garages, basements, rooms used for heating equipment, open or closed outside vestibules, porches, or verandahs and those portions of the rooms having less than 7'-6" ceilings and further excluding common stairways, halls, and basements in multi-family dwellings." The last phrase 'in multi-family dwellings' was taken out as Commissioner Longhi felt that it could then be used for living space in multiple things and 'porches' was also taken out as there were centrally-heated porches that are typically counted in the common living space so she felt it should be counted and it should be delineated because if it's a porch that's centrally heated with the house, it's counted as living area. Ms. Blatt stated that this definition would make it very challenging to calculate the floor space with the open floor plan. Commissioner Drinan stated that the hallways should be corrected to 'common halls'. Mr. Peter Bryanton stated that it could be edited as 'areas within the dwelling unit' which would be the simplest definition. Chairman Duren stated that this could be discussed in detail at a later meeting as there was no timeline on this project.

Chairman Duren opened XZA #14-02 to the public and asked if anyone from the audience wanted to come forward to speak for or against this application. No one came forward.

[2:58:28] Commissioner Longhi made a motion, seconded by Commissioner Drinan, to continue XZA #14-02 on September 4th.

[2:58:52] The motion passed unanimously with a 6-0-0 vote.

- c. XZA #14-03 – Proposed Zoning Map Change from Residential-33 and Thompsonville Village Center to Thompsonville Village Residential for 235 properties bounded by Alden Avenue, the New Haven Hartford Railroad, North End Cemetery and Lafayette Park. The properties including: properties on the north side of Alden Avenue but not abutting Enfield St; properties on the north side of Whitworth Street, not including those in the Special Development District; properties on both sides of West Street; properties on both sides of Tariff St; properties on both sides of Northwood St; properties on both sides of Martin St; properties on both sides of New St; properties on both sides of Pleasant St; properties on both sides of Church St; properties on both sides of Windsor St, not including Map 30-Lot 17 owned by the Housing Authority of Enfield; properties on both sides of Jim St; properties on both sides of Burgess St; properties on both sides of Lafayette St; properties on both sides of Union St and Union St Ext; properties on both sides of White St; properties on both sides of Bigelow Ave; and properties on both sides of Hartford Ave; Enfield Planning and Zoning Commission, applicants.

Closing Date = none – PZC initiative.

Vice Chairman Elizabeth Ballard took the roll.

Ms. Blatt stated that this application was dependent on the other one.

[3:00:20] Commissioner Drinan made a motion, seconded by Commissioner Ballard, to continue XZA #14-03 on September 4th.

[3:00:28] The motion passed unanimously with a 6-0-0 vote.

- 11. Reading of the Legal Notice **[3:01:15]**

12. New Public Hearings [3:00:42]

- a. XSP #13-16.02 – Site Plan Modifications to Brainerd Park Phase 1 Improvements; property located at 133 Brainerd Rd in a R-33 District, Map 58 - Lot 88; Town of Enfield, applicant/owner.
Closing Date = September 4, 2014

Vice Chairman Elizabeth Ballard took the roll.

Chairman Duren stated that Engineering had no comments or concerns and the applicant has been working with the DPW. Jonathan Bilmes, Director of Public Works, Enfield, and Donald Nunes, Engineer, DPW, approached the Commission to present the application. Mr. Bilmes stated that Brainerd Park improvements were approved by the Commission in August 2013. Phase 1 of those improvements included 2 basketball courts. Work commenced last fall, however the project could not be completed prior to the onset of winter. In anticipation of resuming work in spring, Mr. Nunes reviewed the plans, the specs, and the funding and indicated that the basketball project needed to be redesigned and the current funding was only adequate for 1 court. Staff then met with Town Council's Leisure Services Subcommittee in April 2014 and included an option for 1 basketball court and 1 volleyball court. Funding was approved by Town Council in May 2014 and the Leisure Services Subcommittee endorsed the recommendation for the basketball court and volleyball court. The revised plans have been submitted to the Commission. Mr. Nunes stated that the orientation of the courts had changed in order to ensure the balls did not go into the parking lot. There would be a fence between the parking lot and the basketball court. The current orientation also enabled easier maintenance in case of leaves and such, which could be blown into the forest area. Both courts had the recommended safe zones of 10 feet, which was the standard. The north-south orientation enabled water drainage into the forest area instead of the parking lot. Some material would be skimmed and replaced with processed gravel to ensure it meets the current road standards and to make it long lasting. In order to cut down on maintenance of weeds, they would be putting mulch or stone underneath the fence. For Phase 2, there was a change in the lighting. They would be using current state-of-the-art lights, which had no glare with a 25-year warranty. These lights would be controlled by remote control. It was a huge savings in the long run. The maintenance included a guarantee that the lamps would be replaced every 7 years. Phase 3 consisted of the parking lot lights, which were similar to the ones around the courts, except that they had the added advantage of dimming when a car approaches, which would again save energy.

Chairman Duren opened Public Hearing XSP #13-16.02 to the public and asked if anyone from the audience wanted to come forward to speak for or against this application. No one came forward to address the Commission. Chairman Duren closed Public Hearing XSP #13-16.02.

Commissioner Longhi stated that the 13th condition needed to include the word 'site' to be amended as 'Any change in the nature of the use, structure, or site will require new approvals from the Enfield Planning and Zoning Commission.'

[3:14:22] Commissioner Drinan made a motion, seconded by Commissioner Gregory, to approve XSP #13-16.02 – Site Plan Modifications to Brainerd Park Phase 1 Improvements; property located at 133 Brainerd Rd in a R-33 District, Map 58 - Lot 88; Town of Enfield,

applicant/owner, subject to the 19 conditions enumerated in a memorandum from Rachel Blatt dated July 23, 2014, with the addition of the word 'site' to condition #13 and an additional 20th condition that this approval applies to Phases 1, 2, and 3 as proposed.

Chairman Duren stated that it was a nice plan and Commissioner Longhi stated that it was good utilization of a huge park.

[3:15:42] The motion passed unanimously with a 6-0-0 vote.

This approval is subject to the application record, referenced plans, and the following 20 conditions:

Referenced Plans:

"Proposed Modification Plans for Brainerd Park Phase 1 Improvements, 133 Brainard Road, Enfield, CT June 2014." Cover Sheet with Drawing List, prepared for Town of Enfield, CT. Prepared by Donald Nunes, ROADS Engineer, Town of Enfield, DPW, Engineering Office, dated June 4, 2014.

"Proposed Modification Plans for Brainerd Park Phase I Improvements, 133 Brainard Road, Enfield, CT". Sheet P&Z-1; Sheet 2 of 10; by Town of Enfield, DPW, Engineering Office, dated June, 2014.

"Locus Plan, Proposed Modification Plans for Brainerd Park Phase 1 Improvements, 133 Brainard Road, Enfield, CT." Sheet 3 of 10; Scale: 1"=200'; by Town of Enfield, DPW, Engineering Office, dated June 2014.

"Site Information Plan, Proposed Modification Plans for Brainerd Park Phase 1 Improvements, 133 Brainard Road, Enfield, CT." Sheet 4 of 10; Scale: 1"=200'; by Town of Enfield, DPW, Engineering Office, dated June 2014.

"Construction Notes, Proposed Modification Plans for Brainerd Park Phase 1 Improvements, 133 Brainard Road, Enfield, CT." Sheet 5 of 10; Scale: N/A; by Town of Enfield, DPW, Engineering Office, dated June 2014.

"Miscellaneous Details I, Proposed Modification Plans for Brainerd Park Phase 1 Improvements, 133 Brainard Road, Enfield, CT." Sheet 6 of 10; Scale: N/A; by Town of Enfield, DPW, Engineering Office, dated June 2014.

"Miscellaneous Details II, Proposed Modification Plans for Brainerd Park Phase 1 Improvements, 133 Brainard Road, Enfield, CT." Sheet 7 of 10; Scale: 1"=40'; by Town of Enfield, DPW, Engineering Office, dated June 2014.

"Existing Conditions, Proposed Modification Plans for Brainerd Park Phase 1 Improvements, 133 Brainard Road, Enfield, CT." Sheet 8 of 10; Scale: 1"=40'; by Town of Enfield, DPW, Engineering Office, dated June 2014.

"Layout and Materials Plan, Proposed Modification Plans for Brainerd Park Phase 1 Improvements, 133 Brainard Road, Enfield, CT." Sheet 9 of 10; Scale: 1"=40'; by Town of Enfield, DPW, Engineering Office, dated June 2014.

"Grading Plan, Proposed Modification Plans for Brainerd Park Phase 1 Improvements, 133 Brainard Road, Enfield, CT." Sheet 10 of 10; Scale: 1"=40'; by Town of Enfield, DPW, Engineering Office, dated June 2014.

Conditions to be met prior to signing of plans:

1. All plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
2. The application number (XSP #13-16.02) shall be displayed on the plans in or near the Title Block area.
3. A copy of the approval letter and conditions shall be made part of the final plans submitted for signature, preferably located on the cover sheet or first sheet of the plan set.
4. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.
5. A list outlining *all* changes to the plans shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.
6. The conditions of this approval shall be binding on the applicant, land owners, and their successors and assigns.

Conditions to be met prior to the issuance of permits:

7. Four sets of paper plans, with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission.
8. This approval will become effective upon the filing of a Special Use Zoning Certificate signed by the Commission Secretary on the Land Records by the owner of the property. Proof of such filing shall be in the file prior to the issuance of any permits.
9. The applicant shall also submit final plans as approved by the Commission in a digital format compatible with the Enfield Geographic Information Systems Electronic Submittals Ordinance.
10. Any required certificates and/or approvals from State or Federal agencies (i.e. CT-DOT, DEEP, Army Corps of Engineers) shall be obtained by the applicant and reported to the Planning and Zoning Commission file. Any changes to the plans required by such entities may require a plan modification from the Enfield Planning and Zoning Commission.

Conditions which must be met prior to the Issuance of a Certificate of Compliance:

11. No Certificate of Occupancy or other final approval may be issued until the Zoning Enforcement Officer has signed off on the final work. When minor site work cannot be completed because of weather or other pertinent reason, a conditional approval may be issued for a period not to exceed 180 days, providing satisfactory surety shall be posted with the Town of Enfield in an amount sufficient to complete the site work and with surety acceptable to the Town Attorney and Finance Department.
12. A request for final project review from the Planning Department must be made at least 10 days before a Certificate of Occupancy or other final approval is requested from the Building Official.

General Conditions:

13. This approval is for the specific use, site, and structure identified in the application. Any change in the nature of the use or the structure will require new approvals from the Enfield Planning and Zoning Commission.
 14. This project shall be constructed and maintained in accordance with the referenced plans.
 15. Any modifications to the plans require subsequent application and approval by the Planning and Zoning Commission.
 16. This approval does not include signage.
 17. A building permit for the construction of facilities as approved must be obtained by July 17, 2015 or this approval shall be rendered null and void, unless an extension is granted by the Commission.
 18. All construction authorized by this approval shall be completed by July 17, 2019 or this approval shall be considered null and void, unless an extension is granted by the Enfield Planning and Zoning Commission.
 19. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
 20. This approval applies to Phase 1, Phase 2, and Phase 3, as proposed.
- b. PH #2796 – Special Use Permit to open a business providing physical therapy and fitness for dogs; property located at 27 North Main St in a TVC District; Map 27 – Lot 116; Michelle Lewandowski, applicant; Michael Panella Jr., owner.
Closing Date = August 21, 2014

Vice Chairman Elizabeth Ballard took the roll.

Chairman Duren stated that this was approved by Revitalization. There was nothing from the Engineering Department. The Fire Department had questions, which should be added to the conditions.

Michelle Lewandowski, 13 Glendale Road, approached the Commission to present the application. She explained that she did all kinds of physiotherapy for dogs and cats with the use of physio balls, an underwater treadmill, ultrasound, TENS units. There was a question about garbage from the Fire Department. Ms. Lewandowski stated that she would be using a tipper barrel, similar to the ones used by the neighboring businesses. She would also be getting yard waste bags for any accidents that may occur outside the property. All the equipment is indoors and the patients are seen on an individual basis and with their owners present. Ms. Lewandowski stated that she was the only water physical therapist between West Hartford and Pittsfield, Massachusetts. Commissioner Drinan asked about the water physical therapy. Ms. Lewandowski explained that she used an underwater treadmill where she could control the water levels, speed levels, etc. according to the pet's needs.

Commissioner Longhi asked about the Special Permit requirement. Ms. Blatt stated that veterinary offices and kennels are not allowed in the TVC District; however, she thought that this application was substantially different as it would only be one pet at a time with the presence of its owners. Chairman Duren pointed out that Page 2 of 5 of Ms. Blatt's memo stated that the Commission must find it similar to and compatible with the uses listed in Table 5.2 as stated in Section 5.20.2a. Commissioner Longhi then clarified the parking space needs. Chairman Duren stated that there was a paved area right next to the building. Ms. Lewandowski agreed and stated that that could house 2-4 cars. Commissioner Longhi stated that a condition needed to be added stipulating no overnight stays. Chairman Duren asked whether Ms. Lewandowski needed a license from the State. Ms. Lewandowski stated that it was not required and that she was a Certified Veterinary Technician with a Bachelors and Associates in Animal Science and she was also one step away from finishing a National Certification course. Commissioner Drinan asked if the local vets referred her services. Ms. Lewandowski answered that she did have a working relationship with the local vets.

Chairman Duren opened PH #2796 to the public and asked if anyone from the audience wanted to come forward to speak for or against this application.

Peg Grey, 10 Drummond Road, approached the Commission to speak in favor of this application as she was a physical therapist herself (for humans) and there really was no other pet physical therapist offering such services nearby. Ms. Grey also confirmed that there was no license required for such services at the moment.

There were no further comments. Chairman Duren closed PH #2796. Ms. Blatt asked about the hours of operation, which was confirmed as 9 a.m. – 8 p.m. 7 days a week. Chairman Ladd stated that the Fire Department wanted to know where the trash bins would be located. Ms. Lewandowski stated that they would be behind the building.

[3:33:17] Commissioner Longhi made a motion, seconded by Commissioner Drinan, to waive the full submission requirements of Section 9.10.2 because the Commission finds that the information is not necessary in order to decide on the application's conformance with these regulations.

[3:33:37] The motion passed unanimously with a 6-0-0 vote.

[3:33:52] Commissioner Longhi made a motion, seconded by Commissioner Ballard, to approve PH #2796 – Special Use Permit to open a business providing physical therapy and fitness for dogs; property located at 27 North Main St in a TVC District; Map 27 – Lot 116; Michelle Lewandowski, applicant; Michael Panella Jr., owner, subject to the conformance with the application of record and the following 18 conditions in a memo by Rachel Blatt, Assistant Town Planner, dated July 24, 2014.

This approval is subject to the application record, referenced plans, and the following 18 conditions:

Referenced Plans:

"27 C. North Main Street, New England Canine Rehabilitation," Scale: 1 sq. = 1 ft.; prepared by Michelle Lewandowski; dated June 17, 2014.

"Old Proposed Addition to Panella's Plumbing & Heating Co., 15 North Main St, Enfield, CT," Scale 1" = 10'; preparer unknown, dated June 1977; submitted to PH #2796 on July 8, 2014 by the planning department.

Conditions to be met prior to signing of plans:

1. All plans submitted for signature shall require the signature of the person responsible for the preparation of the plans and date of plan creation. Should there be any revisions to the plans during Commission proceedings, all changes shall be made to the plans, along with a revision date.
2. If revisions are required by these conditions of approval, a letter outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.
3. The application number (PH #2796) shall be displayed on the plans.
4. A copy of the approval letter and conditions shall be stapled to the final plans submitted for signature.
5. The conditions of this approval shall be binding on the applicant, land owners, and their successors and assigns.

Conditions to be met prior to the issuance of permits:

6. Four sets of paper plans, with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission.
7. This approval will become effective upon the filing of a Special Use Zoning Certificate signed by the Commission Secretary on the Land Records by the owner of the property. Proof of such filing shall be in the file prior to the issuance of any permits.
8. Any required certificates and/or approvals from State or Federal agencies (i.e. CT-DOT, DEEP, Army Corps of Engineers) shall be obtained by the applicant and reported to the Planning and Zoning Commission file. Any changes to the plans required by such entities may require a plan modification from the Enfield Planning and Zoning Commission.

Conditions which must be met prior to the Issuance of a Certificate of Compliance:

9. No Certificate of Occupancy or other final approval may be issued until the Zoning Enforcement Officer has signed off on the final work. When minor site work cannot be completed because of weather or other pertinent reason, a conditional approval may be issued for a period not to exceed 180 days, providing satisfactory surety shall be posted with the Town of Enfield in an amount sufficient to complete the site work and with surety acceptable to the Town Attorney and Finance Department.

10. A request for final project review from the Planning Department must be made at least 10 days before a Certificate of Occupancy or other final approval is requested from the Building Official.

General Conditions:

11. This approval is for the specific use and structure identified in the application. Any change in the nature of the use or the structure will require new approvals from the Enfield Planning and Zoning Commission.
12. This project shall be constructed and maintained in accordance with the referenced plans. Any modifications to the plans require subsequent application and approval by the Planning and Zoning Commission.
13. This approval does not include signage.
14. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
15. Hours of operation shall not exceed 9:00 am – 8:00 pm, seven days a week.
16. Animals may not be kept overnight.
17. Owners must remain with animals at all times.
18. Only one animal may be served at a time.

Chairman Duren stated the reasons for approval to be that there was no adverse impact on the neighborhood, it meets the objectives of studies to revitalize the bill promoting storefront services, it brings clientele to the downtown area. Commissioner Drinan stated that it's a unique professional service that people drive long distances to come to Enfield to get. Commissioner Longhi added that it had parking in the area.

[3:35:15] The motion passed unanimously with a 6-0-0 vote.

- c. PH #2799 – Special Use Permit to renovate existing drive-thru restaurant into two tenant building including drive-thru restaurant and retail store; property located at 103 Elm Street in a BG District; Erik Wilczek, applicant; Alaimo Family, LLC, owner.

Closing Date = September 4, 2014

Vice Chairman Elizabeth Ballard took the roll.

Stefano Viola, Kimley-Horn and Associates, approached the Commission to present the application. Mr. Viola stated that they wanted to renovate 103 Elm Street into a 1990 sq. ft. Starbucks with drive-thru and a 2600 sq. ft. Vitamin Shoppe. There were no major changes to it. They wanted to utilize the existing utilities. They just wanted to add a dumpster enclosure screened on all 3 sides in the front. Chairman Duren stated for the record that Wetlands had reported there was a 125 ft. Aquifer; Water

Pollution Control had some conditions; Health had some questions about storage space as there was no basement and the wash area; Fire had elevations with the grading with a closed plaza; and Engineering had some concerns. Mr. Viola stated that the Vitamin Shoppe required no storage as all their products went directly on display and would be restocked by suppliers as and when needed. He explained that Starbucks restaurants were usually 1800 sq. ft. The additional 190 sq. ft. here was adequate for storage as they produced on a daily basis for their daily deliveries. Commissioner Longhi asked about parking. Mr. Viola stated that the employees of both establishments would be parking at the Kohl's plaza instead of on-site. Commissioner Drinan stated that there was no wall separating the two establishments on sheet C103. Mr. Viola clarified that there was indeed a separating wall and that C103 was just showing the overall square footage. He further stated that Sheet G1, the architectural plan, shows the division. Chairman Duren pointed out that the access to Starbucks is on the front facing Elm Street and the access to the Vitamin Shoppe is on the east side corner. It was also unique in the fact that there was a direct sidewalk being proposed from Elm Street sidewalk to these facilities. Chairman Duren stated that the only issue was for the handicapped as they were required to cross the road. Commissioner Longhi stated that they would need to paint a crosswalk. Mr. Viola agreed, stating it was on sheet 3. There were 2 handicapped spots. There was a detailed discussion on the parking. Ms. Blatt pointed out that the parking count is based on the Vitamin Shoppe's space being 60% customer area. If Vitamin Shoppe is not using any storage space and they end up using 80% of the space, their parking count would creep up and that would typically be a modification that has to come back to the Commission. Hence, that would need to be added in the conditions. Chairman Duren asked about the term 'renovation' used instead of 'demolition'. Ms. Blatt stated that it is a non-conforming lot in relation to the amount of pavement. If they're at 88% pavement, they're proposing to bring that closer to conformance. The regulations only specified non-conforming buildings/structures; not non-conforming lots. Hence, since they were not demolishing the parking in its entirety, it was more equivalent to a renovation. Chairman Duren stated that the Health Department had concerns regarding the dumpster. Chairman Duren asked where they could put a second dumpster, if required. Mr. Viola stated that the Vitamin Shoppe generally would be recycling materials and had a recyclable bin and it would only be Starbucks which would be generating trash and which needed a dumpster. The condition was added to read, "If the project requires a larger dumpster pad, a modification application must be presented before any other work is done." In answer to the Commission's questions, Mr. Viola stated that the dumpster would be screened on 3 sides and gated on the 4th side and the color would be harmonious with the building.

Chairman Duren opened Public Hearing #2799 to the public and asked if anyone from the audience wanted to come forward to speak for or against this application. No one came forward to address the Commission. Chairman Duren closed PH #2799.

[4:05:42] Commissioner Drinan made a motion, seconded by Commissioner Ladd, to approve PH #2799 – Special Use Permit to renovate existing drive-thru restaurant into two tenant building including drive-thru restaurant and retail store; property located at 103 Elm Street in a BG District; Erik Wilczek, applicant; Alaimo Family, LLC, owner, subject to 28 conditions in a memo from Rachel Blatt dated July 28, 2014, with the additional condition under 'Conditions to be met prior to signing of plans' that Rachel Blatt will determine whether the dumpster on

the plan meets the requirement of the Health Department and if it doesn't, the applicant will need to then return with a modified site plan and in condition #23, add the words 'or site' after the word 'structure'.

[4:07:31] The motion passed unanimously with a 6-0-0 vote.

This approval is subject to the application record, referenced plans, and the following 28 conditions:

Referenced Plans:

"Proposed Construction Plans, Renovate former Arby's Restaurant building, 103 Elm Street, Enfield, CT June 2014." Cover Sheet with Locus Plan, Drawing List and Project Team List by Kimley-Horn and Associates, Inc., dated June 12, 2014.

"General Notes Survey Prepared for Proposed Construction Plans, 103 Elm Street, Enfield, CT." Sheet C-101; Sheet 2 of 14; Scale: As Shown; by Kimley-Horn and Associates, Inc., dated June 12, 2014.

"Demolition and Erosion Control Plan, Proposed Construction Plans, 103 Elm Street, Enfield, CT." Sheet C-102; Sheet 3 of 14; Scale: As Shown; by Kimley-Horn and Associates, Inc., dated June 12, 2014.

"Engineering Plan, Prepared for Proposed Construction Plans, 103 Elm Street, Enfield, CT." Sheet C-103; Sheet 4 of 14; Scale: As Shown; by Kimley-Horn and Associates, Inc., dated July 22, 2014.

"Details Sheet, Proposed Construction Plans, 103 Elm Street, Enfield, CT." Sheet C-200; Sheet 5 of 14; Scale: As Shown; by Kimley-Horn and Associates, Inc., dated July 22, 2014.

"Driveway Ramps and Sidewalks, Prepared for Proposed Construction Plans, 103 Elm Street, Enfield, CT." Sheet C-201; Sheet 6 of 14; Not to Scale; by Kimley-Horn and Associates, Inc., dated January 9, 2012.

"Sidewalk Ramps – Sheet 1, Proposed Construction Plans, 103 Elm Street, Enfield, CT." Sheet C-202; Sheet 7 of 14; Not to Scale; by Kimley-Horn and Associates, Inc., dated July 23, 2013.

"Sidewalk Ramps – Sheet 4, Proposed Construction Plans, 103 Elm Street, Enfield, CT." Sheet C-203; Sheet 8 of 14; Not to Scale; by Kimley-Horn and Associates, Inc., dated July 22, 2013.

"Site Plan, Proposed Construction Plans for Split Tenant Building Shell, 103 Elm Street, Enfield, CT." Sheet G-1; Sheet 9 of 14; Scale: 1/16" = 1'; by Kimley-Horn and Associates, Inc.; Architect: Crissey Architectural, PC, dated July 22, 2014.

"Site Lighting Plan, Proposed Construction Plans for Split Tenant Building Shell, 103 Elm Street, Enfield, CT." Sheet G-3; Sheet 10 of 14; Scale: 1/16" = 1'; by Kimley-Horn and Associates, Inc.; Architect: Crissey Architectural, PC, dated July 22, 2014.

"Site Details, Proposed Construction Plans for Split Tenant Building Shell, 103 Elm Street, Enfield, CT." Sheet G-5; Sheet 11 of 14; Scale: As Noted; by Kimley-Horn and Associates, Inc.; Architect: Crissey Architectural, PC, dated July 22, 2014.

"Floor Plan, Proposed Construction Plans for Split Tenant Building Shell, 103 Elm Street, Enfield, CT." Sheet A-1; Sheet 12 of 14; Scale: As Noted; by Kimley-Horn and Associates, Inc.; Architect: Crissey Architectural, PC, dated July 22, 2014.

"Exterior Elevations, Proposed Construction Plans for Split Tenant Building Shell, 103 Elm Street, Enfield, CT." Sheet A-4; Sheet 13 of 14; Scale: $\frac{1}{4}" = 1'$; by Kimley-Horn and Associates, Inc.; Architect: Crissey Architectural, PC, dated July 22, 2014.

"Exterior Elevations, Proposed Construction Plans for Split Tenant Building Shell, 103 Elm Street, Enfield, CT." Sheet A-5; Sheet 14 of 14; Scale: $\frac{1}{4}" = 1'$; by Kimley-Horn and Associates, Inc.; Architect: Crissey Architectural, PC, dated July 22, 2014.

Conditions to be met prior to signing of plans:

1. All plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
2. The application number (PH #2799) shall be displayed on the plans in or near the Title Block area.
3. A copy of the approval letter and conditions shall be embedded in the final plans submitted for signature, preferably located on the cover sheet or first sheet of the plan set.
4. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.
5. A list outlining *all* changes to the plans shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.
6. A memo to the file shall be submitted by the Fire Marshal's Office, verifying that concerns listed have been addressed in the revised referenced plans.
7. A memo to the file shall be submitted by the Engineering Office, verifying that concerns listed have been addressed in the revised referenced plans.
8. A memo to the file shall be submitted by Water Pollution Control, verifying that concerns listed have been addressed in the revised referenced plans.
9. The conditions of this approval shall be binding on the applicant, land owners, and their successors and assigns.
10. Inspection and maintenance schedules for the oil/grease interceptors and catch basins shall be added to the plans.
11. If a larger dumpster pad is required, a modification application shall be presented to the Commission.

Conditions to be met prior to the issuance of permits:

12. This approval will become effective upon the filing of a Special Use Zoning Certificate signed by the Commission Secretary on the Land Records by the owner of the property. Proof of such filing shall be in the file prior to the issuance of any permits.

13. Four sets of paper plans and one set of mylar plans, with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission. The signed mylars shall be recorded by the applicants and/or owners in the Land Records.
14. The applicant shall also submit final plans as approved by the Commission in a digital format compatible with the Enfield Geographic Information Systems Electronic Submittals Ordinance.
15. The applicant shall post a bond for Site Improvements in an amount to be determined by the Town Engineer and with surety acceptable to the Town Attorney.
16. The applicant shall post a separate bond for Erosion and Sediment Control submitted in the form of a passbook, pledged to the Town, in an amount to be determined by the Town Engineer.
17. The applicant shall post a landscaping bond to the Town, in an amount and format determined by the Planning Department.
18. If needed, a pre-construction meeting shall be held between the applicant, site contractors, project engineer and Town staff.
19. Any required certificates and/or approvals from State or Federal agencies (i.e. CT-DOT, DEEP, Army Corps of Engineers) shall be obtained by the applicant and reported to the Planning and Zoning Commission file. Any changes to the plans required by such entities may require a plan modification from the Enfield Planning and Zoning Commission.

Conditions which must be met prior to the Issuance of a Certificate of Compliance:

20. Complete as-built plans certified to Class A-2 accuracy shall be submitted prior to the issuance of any certificates of zoning compliance. The as-built plan shall also contain a certification by a Professional Engineer that they have inspected the site improvements and that they have been installed in accordance with the approved plans. Any deviations or omissions must be noted.
21. No Certificate of Occupancy or other final approval may be issued until the Zoning Enforcement Officer has signed off on the final work. When minor site work cannot be completed because of weather or other pertinent reason, a conditional approval may be issued for a period not to exceed 180 days, providing satisfactory surety shall be posted with the Town of Enfield in an amount sufficient to complete the site work and with surety acceptable to the Town Attorney and Finance Department.
22. A request for final project review from the Planning Department must be made at least 10 days before a Certificate of Occupancy or other final approval is requested from the Building Official.

General Conditions:

23. This approval is for the specific use, site, and structure identified in the application. Any change in the nature of the use or the structure will require new approvals from the Enfield Planning and Zoning Commission.
24. This project shall be constructed and maintained in accordance with the referenced plans. Any modifications to the plans require subsequent application and approval by the Planning and Zoning Commission.
25. This approval does not include signage.

26. A building permit for the construction of facilities as approved must be obtained by July 31, 2015 or this approval shall be rendered null and void, unless an extension is granted by the Commission.
27. All construction authorized by this approval shall be completed by July 31, 2019 or this approval shall be considered null and void, unless an extension is granted by the Enfield Planning and Zoning Commission.
28. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

Chairman Duren stated the reasons for approval to be that it improves an older building; Commissioner Ladd added that it goes up in an abandoned area, and Commissioner Drinan stated that it reduces impervious coverage of that site.

[4:07:50] Commissioner Drinan made a motion, seconded by Commissioner Longhi, to extend the meeting for an additional 15 minutes until 11:25.

- d. PH #2800 – Special Use Permit for a yoga fitness center located at 904 Enfield Street in a TVC District, Map 28 – Lot 12; Robert L. Smith – applicant; Paul Cioffari Trustee, Catherine P. Algiere Trust, owner.

Closing Date = September 4, 2014

Vice Chairman Elizabeth Ballard took the roll.

Robert L. Smith approached the Commission to present the application. Mr. Smith stated that he was proposing to open a Bikram Yoga studio at 904 Enfield Street. Chairman Duren stated that Revitalization approved the project; the Fire Department wanted signs directing parking to the rear of the building as there has been a parking complaint previously and they also wanted it re-stripped. Chairman Duren stated that the owner would be responsible for both items and not the applicant and asked the applicant if he could ask the owner about both things. Chairman Duren stated the hours of operation, 5 – 10 p.m. Monday – Friday, and weekends, 6 a.m. – 7 p.m., and holidays, 6 a.m. – 1 p.m., need to be included in the conditions.

Chairman Duren opened Public Hearing #2800 to the public and asked if anyone from the audience wanted to come forward to speak for or against this application. No one came forward to address the Commission. Chairman Duren closed PH #2800.

[4:15:04] Commissioner Longhi made a motion, seconded by Commissioner Drinan, to waive the full submission requirements of Section 9.10.2 because the Commission finds that the information is not necessary in order to decide on the application's conformance with these regulations.

[4:15:27] The motion passed unanimously with a 6-0-0 vote.

[4:15:44] Commissioner Longhi made a motion, seconded by Commissioner Drinan, to approve PH #2800 – Special Use Permit for a yoga fitness center located at 904 Enfield Street

in a TVC District, Map 28 – Lot 12; Robert L. Smith – applicant; Paul Cioffari Trustee, Catherine P. Algieri Trust, owner, subject to the conformance with the application record and the following 19 conditions, with adding in of the holiday hours from 6 a.m. – 1 p.m., and the allowance for the sign, if needed.

[4:16:38] The motion passed unanimously with a 6-0-0 vote.

This approval is subject to the application record, referenced plans, and the following 19 conditions:

Referenced Plans:

“Proposed Floor Plan,” Scale: $\frac{1}{4}" = 1'$; submitted by Robert L. Smith, dated July 14, 2014.

Conditions to be met prior to signing of plans:

1. All plans submitted for signature shall require the signature of the person responsible for the preparation of the plans and date of plan creation. Should there be any revisions to the plans during Commission proceedings, all changes shall be made to the plans, along with a revision date.
2. If revisions are required by these conditions of approval, a letter outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.
3. The application number (PH #2800) shall be displayed on the plans.
4. A copy of the approval letter and conditions shall be stapled to the final plans submitted for signature.
5. A memo to the file shall be submitted by the Fire Marshal, verifying that concerns listed in an email dated July 24, 2014 have been addressed in the revised referenced plans.
6. The conditions of this approval shall be binding on the applicant, land owners, and their successors and assigns.

Conditions to be met prior to the issuance of permits:

7. Four sets of paper plans, with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission.
8. This approval will become effective upon the filing of a Special Use Zoning Certificate signed by the Commission Secretary on the Land Records by the owner of the property. Proof of such filing shall be in the file prior to the issuance of any permits.
9. Any required certificates and/or approvals from State or Federal agencies (i.e. CT-DOT, DEEP, Army Corps of Engineers) shall be obtained by the applicant and reported to the Planning and

Zoning Commission file. Any changes to the plans required by such entities may require a plan modification from the Enfield Planning and Zoning Commission.

Conditions which must be met prior to the Issuance of a Certificate of Compliance:

10. No Certificate of Occupancy or other final approval may be issued until the Zoning Enforcement Officer has signed off on the final work. When minor site work cannot be completed because of weather or other pertinent reason, a conditional approval may be issued for a period not to exceed 180 days, providing satisfactory surety shall be posted with the Town of Enfield in an amount sufficient to complete the site work and with surety acceptable to the Town Attorney and Finance Department.
11. A request for final project review from the Planning Department must be made at least 10 days before a Certificate of Occupancy or other final approval is requested from the Building Official.

General Conditions:

12. This approval is for the specific use and structure identified in the application. Any change in the nature of the use or the structure will require new approvals from the Enfield Planning and Zoning Commission.
13. This project shall be constructed and maintained in accordance with the referenced plans. Any modifications to the plans require subsequent application and approval by the Planning and Zoning Commission.
14. This approval does not include signage.
15. A building permit for the construction of facilities as approved must be obtained by July 31, 2015 or this approval shall be rendered null and void, unless an extension is granted by the Commission.
16. All construction authorized by this approval shall be completed by July 31, 2019 or this approval shall be considered null and void, unless an extension is granted by the Enfield Planning and Zoning Commission.
17. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.
18. Hours of operation shall not exceed 5:00 am – 10:00 pm Monday through Friday, 6:00 am-7:00 pm Saturday and Sunday, and holidays 6:00 am-1:00 pm.
19. This approval allows for an additional directional sign of approximately the size of a "no parking sign" to direct patrons to rear parking lot, if needed.

Commissioner Longhi stated the reasons for approval to be that it would add new desirable business to the TVC with no changes to the exterior of the building and it would bring tax revenue and add jobs to the local economy. Chairman Duren stated that it fills up a local storefront as well.

13. Old Business - none

14. New Business [4:17:30]

- a. SPR 1567.03 – Site Plan Review of a modification - construct a loading ramp; property located at 36 Mullen Rd in an I-1 District, Map 16 – Lot 42; Kenneth Lindeland, applicant, R & L Mullen Road, LLC, owner.

M.A.D. = September 6, 2014

Vice Chairman Elizabeth Ballard took the roll.

Ms. Blatt stated that this applicant was not present.

[4:18:26] Commissioner Longhi made a motion, seconded by Commissioner Drinan, to move SPR #1567.03 to September 4th.

[4:18:34] The motion passed unanimously with a 6-0-0 vote.

15. Other Business [4:18:38] - none

16. Applications To Be Received [4:18:34]

- a. The Davita Dialysis Center had asked is administrative approval could be granted to convert their existing 3 large rooftop units into 4 smaller ones in approximately the same location/distance from the roof. Chairman Duren asked if they were screened. Ms. Blatt stated that they were not screened. The Commission stated that it needed to be screened and unanimously decided that they would like to hear the application in September.
- b. Hannoush Jewelers had asked if administrative approval could be granted for a modification for a generator pad and transformer for. Chairman Duren stated that he believed they already had it in the back. The Commission unanimously decided that they would like to hear the application in September.
- c. There was another application that was officially received but that would automatically be scheduled to September 4th.

17. Adjournment [4:22:18]

Commissioner Drinan made a motion, seconded by Commissioner Gregory, to adjourn at 11:25 p.m.

The motion passed unanimously with a 6-0-0 vote.

Next Regular Meeting: Thursday, September 4, 2014

Special Planning Meeting Agenda Items (Next Date – September 11, 2014)

- a. Thompsonville Mixed Use District (TMD)
- b. Multi-modal Transit and River Access District (MTRA)
- c. Discussion of poultry regulations
- d. Regulation changes dealing with commercial vehicles (trucks)
- e. Medical Marijuana
- f. Buildings vs. Structures

Respectfully submitted,

Peter Falk, Secretary

Enfield Planning and Zoning Commission

/ns